

REMARKS/ARGUMENTS

The Office action mailed on August 5, 2008 has been reviewed and carefully considered. Reconsideration of the application is respectfully requested in view of the amendments to the claims and remarks below.

Amendments to the Claims

Claims 1-9 are pending in this application. Claims 1 and 7, which are the only independent claims, have been amended. The amendments to claims 1 and 7 are supported by Figures 1 and 5.

Rejections under 35 U.S.C. § 102(e)

Claims 1 and 4-6 stand rejected under 35 U.S.C. § 102(e) as being anticipated by US 2003/0009077 to Woo.

With regard to claim 1, Applicant traverses the art rejection applied to claim 1 at least because Woo does not disclose the limitation specifically recited in claim 1 as "... the small bar magnet having a direction from south pole to north pole in parallel to the surface of attachment to skin ... ". This feature is an important feature clearly illustrated in Figures 1 and 5 of the originally filed specification.

The Woo reference fails to disclose anything regarding a small bar magnet having a direction from south pole to north pole in parallel to the surface of attachment to skin. In fact, Woo teaches something entirely different in that regard.

Unlike claim 1, Woo teaches attaching a magnet having a direction from south pole to north pole in perpendicular to the surface of attachment to skin. Woo specifically states that "The north side of the magnet is applied directly to the area ..." [0071].

Therefore, claim 1 is not anticipated by US 2003/0009077 to Woo because every feature of claim 1 is not disclosed in the Woo reference.

Rejections under 35 U.S.C. § 103(a)

Claims 2, 3, and 7-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US 2003/0009077 to Woo in view of US 2002/0169357 to Chen.

With regard to claims 2 and 3, Applicant submits that these claims would be in

condition for allowance based on the limitations included in claim 1.

With regard to claim 7, Applicant traverses the art rejections applied to claim 7 at least because the applied references, whether taken alone or in combination, do not disclose the limitation specifically recited in claim 7 as "... the small bar magnet having a direction from south pole to north pole in parallel to the surface of attachment to skin ... ". This feature is an important feature clearly illustrated in Figures 1 and 5 of the originally filed specification.

The Woo reference fails to disclose anything regarding a small bar magnet having a direction from south pole to north pole in parallel to the surface of attachment to skin. In fact, Woo teaches something entirely different in that regard.

Unlike claim 7, Woo teaches attaching a magnet having a direction from south pole to north pole in perpendicular to the surface of attachment to skin. Woo specifically states that "The north side of the magnet is applied directly to the area ..." [0071].

The Chen reference does not add anything to address the lack of the above feature. Therefore, claim 7 is not obvious in view of the above applied references at least because the above applied references, whether taken alone or in combination, neither teaches or suggests that the small bar magnet has a direction from south pole to north pole in parallel to the surface of attachment to skin.

With regard to claims 8 and 9, Applicant submits that these claims would be in condition for allowance based on the limitations included in claim 7.

For at least the foregoing reasons, withdrawal of the rejection of claims 1 and 4-6 under U.S.C. § 102(e) and the rejection of claims 2, 3, and 7-9 under U.S.C. § 103(a) are respectfully requested. In view of the amendments to the claims and foregoing remarks, Applicant respectfully request favorable reconsideration and early passage to issue of the present application.

Respectively submitted,

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/Jason Y. Pahng/

Jason Y. Pahng

Reg. No. 59,943

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Jason Y. Pahng and Associates, LLC

12178 Bridgend Run

Fairfax, VA 22030

Phone: 703-468-1203

Fax: 703-652-4310